

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

Office of Petitions

Suzuki et al.

Patent No. 6,561,716

Issue Date: May 13, 2003

For: UNIVERSAL JOINT DEVICE AND METHOD OF MANUFACTURING THE DEVICE

DECLARATION OF RENEE M. DARRAGH

I, Renee M. Darragh, am 44 years of age, am a citizen of the United States and a resident of Northville, Michigan.

The following statements are based on my own personal knowledge:

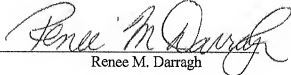
1. I am a 1990 graduate of Michigan State University, having a degree of BA-Accounting.
2. I have been employed by IP Management Services (IPMS) and its predecessors since December, 1994.
3. My current position in IPMS is Director, Strategic Planning.
4. In 2005 and 2006 my position was Payment Services Manager.
5. Amanda Gies, now Amanda Stover, started, trained and worked as a team member under my management in the position of Payment Coordinator.
6. Amanda Gies is now Patent Payment Auditor.
7. Amanda Gies was and is well and sufficiently trained and experienced in regard to comparing quarterly paper written instructions with quarterly data sets provided by clients of IPMS and

its predecessors to update the IPMS internal program database to pay or not to pay patent maintenance fees.

8. On August 24, 2006, when an error occurred, Amanda Gies was qualified, trained and trusted as a checker of the internal program database to ensure that entries in the database were correct as compared to paper instructions to pay or not to pay maintenance fees.
9. Exhibit 101 is a June 25, 2012 chart of data from the IPMS database of a change made on August 24, 2006 by Amanda Gies.
10. Exhibit 101 shows that the change from value 1 (pay) to value 2 (do not pay) was made on August 24, 2006 by "MASTER DATA\agies".
11. MASTER DATA is a predecessor of IPMS.
12. "agies" identifies Amanda Gies.
13. Original Value 1 means that a 4Q-06 quarterly date set provided by the group paying for and instructing government maintenance fee payment for Patent No. 6,561,716 provided instructions to pay (Value 1) the maintenance fee.
15. The change by Amanda Gies that occurred on August 24, 2006 was inadvertent and in error. No change from Value 1 to Value 2 should have been made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9 day of July, 2012.


Renee M. Darragh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent No. 6,561,716

Issue Date: May 13, 2003

For: UNIVERSAL JOINT DEVICE AND METHOD OF MANUFACTURING THE DEVICE

DECLARATION OF AMANDA STOVER

I, Amanda Stover, was formerly Amanda Gies.

I am 32 years of age, am a citizen of the United States and a resident of Clinton Township, Michigan.

Of my own knowledge:


1. Since February 2005 I have been an employee of IP Management Services (IPMS) and its predecessor, Master Data Center.
2. Since before August 2006 I held the position of Payment Coordinator.
3. Currently I hold the position of Patent Payment Auditor.
4. In August of 2006 my manager was Renee M. Darragh, who is now Director, Strategic Planning for IPMS.
5. My manager since December 2009 has been Jeffrey Kesek, who is Manager, Patent Payments.
6. I have been trained in the IPMS internal program operations and checking program entries for

maintenance fees.

13. That data set was entered into the IPMS internal program.
14. As a long and well trained and trusted employee, I reviewed Darby & Darby's 4Q-06 payment paper instructions to pay or not to pay patent maintenance fees for patents, including U.S. Patent No. 6,561,716.
15. When comparing the IPMS internal program entries to the listing on the paper decision copy, I accidentally changed code 1 -- Pay to code 2 - Do Not Pay.
16. That error was based on the other cases having a do not pay instruction.
17. I marked all the cases with client codes Kabasawa & Associates as Do Not Pay in error.
18. IPMS's internal processes required that this change be checked at least once by another person.
19. On information and belief, it appears that this double checking was inadequate on this occasion as the error was not noted.
20. Exhibit 101 shows data taken from the IPMS internal program database.
21. I made the change 24 Aug 2006 that erroneously changed "Original Value 1", which means "pay", to "Current Value 2", which is a code for "not to pay".
22. That 24 Aug 2006 change was inadvertent and an error.
23. "MASTERDATA\agies" identifies MASTER DATA, a predecessor of IPMS, and me, Amanda Gies, now Amanda Stover.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7 day of July, 2012.



Amanda Stover

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DECLARATION OF JEFFREY KESEK

I, Jeffrey Kesek, am 39 years of age, a citizen of the United States and a resident of New Baltimore, Michigan.

1. I am a 1998 graduate of Oakland University, having a Bachelor's degree in Public Administration and Policy.

The following statements are based on my own personal knowledge.

2. Since May 14, 2007 I have been an employee of IP Management Services (IPMS) and its predecessor in Bingham Farms, Michigan.
3. Currently, I am Manager of Patent Payments of IPMS.
4. Exhibit 101 is a chart of data taken on 6/25/2012 by Stacey Nalepka, Data Integrity Specialist, from IPMS' proprietary internal program database of instructions for paying or not paying patent maintenance fees.
5. Based on my inspection of Exhibit 101, and IPMS' internal program database, Exhibit 101 is an accurate record from the IPMS internal program database.

6. Under "Original Value", "1" is an IPMS internal code for instructions TO PAY. Under "Current Value", "2" is an IPMS internal code for instructions NOT TO PAY.
7. It is clear from Exhibit 101 that on August 24, 2006 the IPMS internal program was changed from "Original Value 1" to Current Value 2" by "Transaction User" "MASTERDATA\agies".
8. "MASTER DATA" is a predecessor of IPMS.
9. "agies" indicates IPMS Employee, Amanda Gies.
10. Amanda Stover, formerly Amanda Gies, works in the Payment Processing Team of Patent Payments. Her title is Auditor. She is a trusted employee and has been sufficiently trained and experienced, and has been relied on to check IPMS internal program records to assure that IPMS internal program instructions TO PAY and NOT TO PAY comply with written instructions from clients of whether TO PAY or NOT TO PAY maintenance fees for patents.

Based upon information and belief:

11. In 2006 Amanda (Gies) Stover was a well-trained, experienced and trusted checker who compared internal IPMS program payment instructions with written instructions to see that the internal program instructions are aligned with clients' instructions.
12. Paper copies of the Darby & Darby 4th quarter 2006 written payment decisions and instructions are attached as Exhibits 102 and 103.
13. It is clear from Exhibit 103 that Darby & Darby instructed IPMS to pay the maintenance fee for U.S. Patent 6,561,716.

14. Based on information and belief, a 4th quarter, 2006 (4Q-2006) data set was received from Darby & Darby and entered in the IPMS internal program and also included instructions to pay the maintenance fee for U.S. Patent 6,561,716.
15. The 4Q-06 data set from Darby & Darby was responsible for "1" appearing under "Original Value". "1" was an instruction to pay the maintenance fee.
16. Changing "Original Value 1" to "Current Value 2" was an inadvertent error that occurred by a trusted and well-trained and reliable employee, Amanda Gies, who was experienced and reliable with regard to checking to confirm that IPMS internal program instructions concurred with clients' written instructions.
17. That inadvertent error was not found upon a standard review of the changes.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9 day of July, 2012.



Jeffrey Kesk

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DECLARATION OF STACEY NALEPKA

I, Stacey Nalepka, am 37 years of age, a citizen of the United States and a resident of Howell, Michigan.

1. I am a 1996 graduate of Madonna University in Livonia, Michigan and I have a Bachelor degree in Legal Assistant Studies.
2. Since April, 1996 I have been an employee of IP Management Services (IPMS), and its predecessor, in Bingham Farms, Michigan.
3. Currently I am Data Integrity Specialist with IPMS.
4. Of my own personal knowledge, I am familiar with the operations of IPMS and its predecessor now and since before 2006.
5. IP Management Services (IPMS) provides a service for clients to renew intellectual property rights, in particular patents and designs in many countries, including the United States. IPMS clients include corporations and patent law firms. Many clients entrust the renewal of their entire intellectual property portfolio, including their patents and designs in

we are processing for payments are identified within the system.

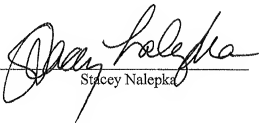
14. A checking process then begins in order to match the clients' decisions made on paper with the decisions electronically entered in the IPMS internal program database.
15. The business routine described in paragraphs 5-14 above has been in place since before 2006 and has proved reliable and has been relied on to avoid errors in its performance.
16. It was during the process described in paragraph 14 above that the human error occurred.
17. Of my own personal knowledge and observation and based on information and belief:
18. Darby & Darby sent written payment instructions for U.S. Patent 6,561,716 in August, 2006 for the 4th Quarter of 2006 (4Q-06). See Exhibits 102 and 103.
19. Along with Darby & Darby's paper payment decisions, Darby & Darby also sent an electronic data set that was uploaded into our internal program to handle Darby & Darby's patent maintenance fee payments.
20. Darby & Darby was using PATTSY, which is a third party software product. The data set is comprised of all active (filed and granted) applications and patents within Darby & Darby's PATTSY system.
21. The PATTSY system that Darby & Darby used is, and since before 2006 has been, compatible with the IPMS internal program.
22. Amanda Gies (now Amanda Stover), a long, well-trained and trusted employee, reviewed Darby & Darby's 4Q-06 (Fourth Quarter 2006) written payment decisions and compared them with the IPMS internal program database.
23. Amanda Gies (now Amanda Stover) in August 2006 was considered a well-trained and highly experienced checker.

24. Currently Amanda Stover holds the position of Auditor in IPMS.
25. During the process of checking Darby & Darby's payment decisions, Amanda Gies (now Amanda Stover) filtered within the IPMS internal program software to identify only the client codes due 4Q-06, within Darby & Darby's portfolio.
26. When comparing this database listing to the paper decision copy, she accidentally and inadvertently processed U.S. Patent 6,561,716 as Do Not Pay, based on the other cases having a do not pay instruction within the division.
27. IPMS' internal processes in force now and continuously since before 2006 required that the marking be checked at least once by another person.
28. On information and belief, however, it appears that this double-checking was inadequate on that occasion, as the error was not noted.
29. Exhibit 101 is a chart of data from an audit table taken by me from the IPMS internal program database on June 25, 2012.
30. Exhibit 101 shows that on "Transaction Date" "24-Aug-06", "Transaction User" "MASTERDATA\agies" changed an "Original Value 1" to "Current Value 2".
31. "MASTERDATA" is a predecessor of IPMS. "agies" identifies Amanda Gies.
32. The date, "24-Aug-06", indicated under "Transaction Date" was during the 4Q-06 Quarterly Processing time period for all patents for which maintenance fees were due in the 4th quarter during October, November and December, 2006.
33. "Value 1" is an internal code for PAY. "Value 2" is an internal code for DO NOT PAY.
34. The "Payment Decision ID" shows that the Original Value "1" (PAY) was changed to Current Value "2" (DO NOT PAY).

35. The notes on Exhibit 101 have been made by me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of July, 2012.



Stacey Nalepka

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The following statements are based on my own personal knowledge:

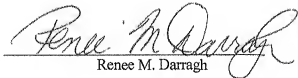
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Executed this 9 day of July, 2012.


Renee M. Darragh

Data from audit table in proprietary database showing payment changed from Pay to Do Not Pay by Amanda Gies

SourceID	TableName	TableName	ChangeType	OriginalValue	CurrentValue	TransactionDate	TransactionID	Amount
3210873	QUOTES	PaymentDecisionID	UPDATE	1	2	24-Aug-06	MASTERDATA\agies	6,561,716
3210873	QUOTES	PaymentReasonID	UPDATE		9	24-Aug-06	MASTERDATA\agies	6,561,716

Audit Function in proprietary database shows Amanda Gies (now Amanda Stover) updated the record from Pay to Do Not Pay on August 24, 2006. This is the during the 4Q06 Quarterly Processing time period for all cases falling due during October, November, December 2006.

- The Payment Decision ID shows the original value at Pay (1) and the changed value to Do Not Pay (2)
- The Payment Reason ID shows the reason the case is not being paid. The Payment Reason ID was changed from the original value of Null to 9, which is the standard selection for not paying a case per a client decision.

DARBY &
DARBY
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CORPORATION

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August 15, 2006

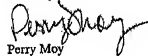
Jessica Leese
MDC - Master Data Center
300 Franklin Center
29100 Northwestern Highway
Southfield, MI 48034

Dear Jessica:

Please find enclosed our 4Q-06 Decision List.

Thank you.

Sincerely,


Perry Moy

DARP
PERRY MOY
ANNUITIES PARALEGAL
917.286.2948
pmoy@darbylaw.com

MDC Received
AUG 16 2006

{W:\ANNU\3rd06\00827655.DOC\RECEIVED}

EXHIBIT 102

